

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

SIMON GOGOLACK,

Defendant.

23-CR-99-LJV-JJM

NOTICE OF MOTION

MOTION BY:

John J. Morrissey, Assistant Federal Public
Defender

DATE, TIME & PLACE:

Before the Honorable Jeremiah J. McCarthy, United
States Magistrate Judge, Robert H. Jackson United
States Courthouse, 2 Niagara Square, Buffalo, New
York, **on the submitted papers.**

SUPPORTING PAPERS:

Affirmation of Assistant Federal Public Defender
John J. Morrissey, dated August 29, 2024

RELIEF REQUESTED:

Adjournment of deadline to submit defendants'
proposed protective order

DATED:

Buffalo, New York, August 29, 2024

Respectfully submitted,

/s/ John J. Morrissey

John J. Morrissey
Assistant Federal Public Defender
Federal Public Defender's Office
300 Pearl Street, Suite 200
Buffalo, New York 14202
(716) 551-3341, (716) 551-3346 (Fax)
John_Morrissey@fd.org
Counsel for Defendant Simon Gogolack

TO: Caitlin M. Higgins, Assistant United States Attorney
Tiffany H. Lee, Assistant United States Attorney
Joseph M. Tripi, Assistant United States Attorney
Nicholas Cooper, Assistant United States Attorney
Casey L. Chalbeck, Assistant United States Attorney

UNITED STATES DISTRICT COURT
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v.

AFFIRMATION

SIMON GOGOLACK,

Defendant.

JOHN J. MORRISSEY, affirms under penalty of perjury that:

1. I am an Assistant Federal Public Defender for the Western District of New York and was assigned to represent the above-named defendant, Simon Gogolack.

2. The Court set August 29, 2024, as the deadline for defendants to submit their proposed Protective Order. Dkt. 200 at 6. In that Decision and Order, the Court also noted that the defendants had previously proposed a Protective Order which appeared to adequately address concerns regarding the privacy and order interests of third parties. *Id.* at 5-6.

3. Defendants request that the Court adjourn that deadline for one-week to September 5, 2024. Defendants largely agree on the terms of the joint proposed Protective Order, but additional time is needed for defendants to propose which discovery falls under the Protective Order's limitations.

4. Specifically, defendants anticipate submitting a proposed Protective Order substantially similar to the proposed Protective Order previously submitted to, and referenced by, the Court. *Id.* at 5-6; Dkt. 153-2.

5. That proposed Protective Order utilizes an addendum to identify which pieces of discovery it applies to. *See* Dkt. 153-2 at 1. When defendants submit their proposed Protective Order, they intend to include a proposed addendum.

6. Determining which documents should be included in the addendum requires analyzing the discovery and ascertaining which parts contain documents/files/information that implicate the interests justifying the protective order.

7. In addition to numerous device extractions, defendants have received 30,000 pages of bates stamped discovery. Defendants need additional time to determine which documents should be included in the addendum to the proposed Protective Order. Based on the work already done, defendants believe that an additional week will be sufficient to complete that task.

8. Undersigned counsel has conferred with counsel for defendants Peter Gerace, Jr., John Ermin, Howard Hinkle, Cortnie Barber, Bernard Byrd, and Scott Barnes. They agree to this request.

WHEREFORE, defendants request a one-week adjournment of the deadline to submit their joint proposed Protective Order to September 5, 2024.

DATED: Buffalo, New York, August 29, 2024

Respectfully submitted,

/s/ John J. Morrissey

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Assistant Federal Public Defender
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(716) 551-3341, (716) 551-3346 (Fax)
John_Morrissey@fd.org
Counsel for Defendant Simon Gogolack